

ORDINANCE NO. 97-46

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 97- 62 USAB 1 (MAHARAJ), MODIFYING PAGE 62 OF THE FLUA BY CHANGING THREE PARCELS TOTALING 8.71 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF FOLSOM ROAD AND SOUTHERN BOULEVARD (SR 80) DESIGNATED COMMERCIAL LOW WITH AN UNDERLYING RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (CL/RR-10) TO REMOVE THE UNDERLYING RR-10; AND A CONCURRENT CHANGE TO THE URBAN SERVICE AREA BOUNDARY (USAB) TO REMOVE THE PARCELS FROM THE RURAL SERVICE AREA; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners has initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 23, June 13, June 20, and October 24, 1997, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners,

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1 as the governing body of Palm Beach County, conducted a public
2 hearing pursuant to Chapter 163, Part II, Florida Statutes, on July
3 21, 1997, to review the recommendations of the Local Planning
4 Agency, whereupon the Board of County Commissioners authorized
5 transmittal of proposed amendments to the Department of Community
6 Affairs for review and comment pursuant to Chapter 163, Part II,
7 Florida Statutes; and

8 WHEREAS, Palm Beach County received on October 20, 1997, the
9 Department of Community Affairs "Objections, Recommendations, and
10 Comments Report," dated October 16, 1997, which was the
11 Department's written review of the proposed Comprehensive Plan
12 amendments; and

13 WHEREAS, the written comments submitted by the Department of
14 Community Affairs contained no objections to the amendments
15 contained in this ordinance; and

16 WHEREAS, on November 17, 1997, the Palm Beach County Board of
17 County Commissioners held a public hearing to review the written
18 comments submitted by the Department of Community Affairs and to
19 consider adoption of the amendments; and

20 WHEREAS, the Palm Beach County Board of County Commissioners
21 has determined that the amendments comply with all requirements of
22 the Local Government Comprehensive Planning and Land Development
23 Regulations Act.

24 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
25 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

26 Part I. Amendments to the Future Land Use Atlas of the Land
27 Use Element of the 1989 Comprehensive Plan

28 The following amendment to the Land Use Element's Future Land
29 Use Atlas is hereby adopted and is attached to this Ordinance:

30 A. Future Land Use Atlas page 62 is amended as follows:

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1 Application No.: 97- 62 USAB 1 (Maharaj)

2 Amendment: Changing Three Parcels Designated
3 Commercial Low with an Underlying Rural
4 Residential, 1 unit per 10 acres (CL/RR-
5 10) to remove the underlying RR-10; and a
6 concurrent change to the Urban Service
7 Area Boundary (USAB) to remove the
8 parcels from the Rural Service Area

9 General Location: Generally Located at the Northwest Corner
10 of Folsom Road and Southern Blvd. (SR 80)

11 Size: Approximately 8.71 acres total (3
12 parcels)

13 B. Conditions: This parcel is subject to the following
14 conditions:

- 15 1. A capacity determination for water and sewer shall
16 be provided to Palm Beach County.

17 Part II. Repeal of Laws in Conflict

18 All local laws and ordinances applying to the unincorporated
19 area of Palm Beach County in conflict with any provision of this
20 ordinance are hereby repealed to the extent of such conflict.

21 Part III. Severability

22 If any section, paragraph, sentence, clause, phrase, or word
23 of this Ordinance is for any reason held by the Court to be
24 unconstitutional, inoperative or void, such holding shall not
25 affect the remainder of this Ordinance.

26 Part IV. Inclusion in the 1989 Comprehensive Plan

27 The provision of this Ordinance shall become and be made a
28 part of the 1989 Palm Beach County Comprehensive Plan. . The
29 Sections of the Ordinance may be renumbered or relettered to
30 accomplish such, and the word "ordinance" may be changed to

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"section," "article," or any other appropriate word.

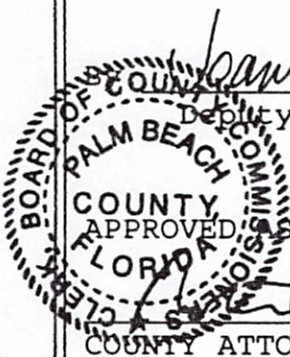
Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 17 day of November, 1997.

ATTEST:
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS


Deputy Clerk
COUNTY ATTORNEY

By 
Chair

Filed with the Department of State on the 21 day
of November, 1997.

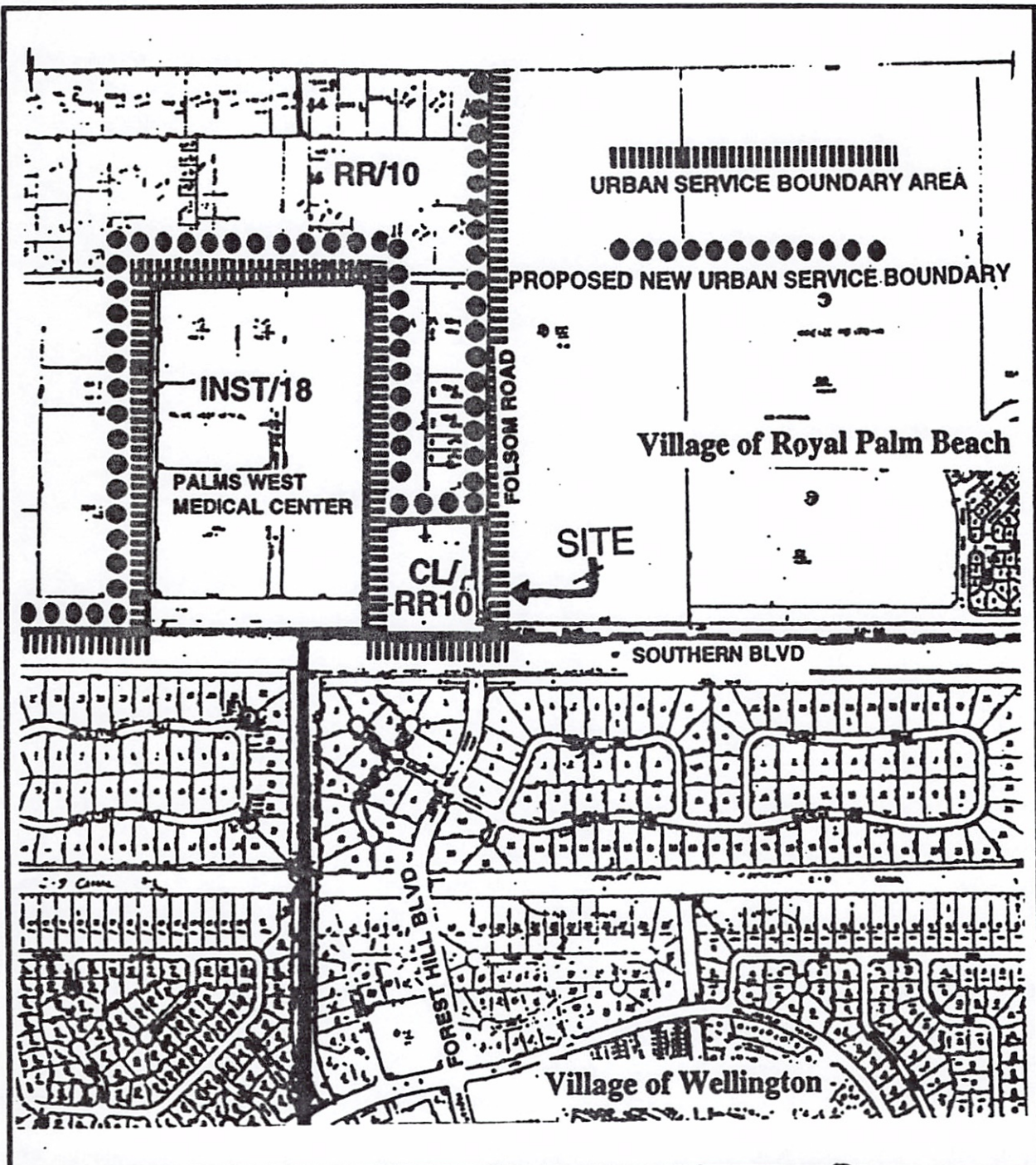
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EXHIBIT A

Future Land Use Atlas pages 62 is amended as follows:

Amendment No.: 97- 62 USAB 1 (Mahara)
Location: Generally located at the northwest corner of Folsom Road and Southern Blvd. (SR 80)
Size: Approximately 8.71 acres total (3 parcels)
Existing Use:
Existing FLU: Commercial Low with an underlying Rural Residential, 1 unit per 10 acres (CL/RR-10) (3 parcels); and a concurrent change to the Urban Service Area Boundary (USAB) to remove the parcels from the Rural Service Area
Proposed FLU: Commercial Low
Property No.: 00-41-43-17-01-901-0080 (4.81 acres)
00-41-43-17-01-901-0090 (3.84 acres)
00-41-43-17-01-901-0070 (0.06 acres)
Legal Description: See attached.



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LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND LYING IN LOT 1, BLOCK "K", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 1 WITH THE NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80); SAID RIGHT-OF-WAY LINE BEING SHOWN ON THE DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 93120-2538; THENCE, NORTH 02°16'35" EAST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 540 FEET; THENCE SOUTH 88°08'51" EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 387.80 FEET; THENCE SOUTH 02°16'32" WEST, ALONG A LINE 354.99 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 540.00 FEET TO THE INTERSECTION THEREOF WITH THE SAID NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD; THENCE NORTH 88°08'51" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 387.80 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

PARCEL 2

THE WEST 5 FEET OF THE EAST 360 FEET OF THE SOUTH 660 FEET OF THE NORTH 2237.8 FEET OF TRACT 1, BLOCK "K", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO CONDITIONS, RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD.

PARCEL 3

A PARCEL OF LAND LYING IN LOT 1, BLOCK "K", LOXAHATCHEE GROVES, LOXAHATCHEE, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 1 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 80; THENCE WESTERLY, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 330 FEET; THENCE NORTHERLY, PARALLEL WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 660 FEET; THENCE EASTERLY, PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 330 FEET TO A POINT IN A LINE 25 FEET WESTERLY FROM, MEASURED AT RIGHT ANGLES, TO AND PARALLEL WITH THE EAST LINE OF SAID LOT 1; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

SUBJECT TO RESTRICTIONS, RESERVATIONS(OIL, GAS, MINERAL AND OTHERWISE), EASEMENTS, RIGHTS-OF-WAY FOR PUBLIC ROADS, VALID ZONING AND BUILDING ORDINANCES AND TAXES SUBSEQUENT TO THE YEAR 1964.

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